

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|---------------------------------------|---|---------------------------|
| David Harold Oliver; and |) | C/A No.: 4:10-690-JFA-TER |
| Shawn Vern Matalino, |) | |
| |) | |
| Plaintiffs, |) | |
| vs. |) | ORDER |
| |) | |
| Ralph Bobo; Dan Farnsworth; Chadwick |) | |
| Newland; and Katrina Saulisbury a/k/a |) | |
| Saulisberry, |) | |
| |) | |
| Defendants. |) | |
| |) | |

The *pro se* plaintiffs, David Harold Oliver and Shawn Vern Matalino, bring this action pursuant to 42 U.S.C. § 1983. The plaintiffs allege that plaintiff Oliver has been falsely imprisoned and is being maliciously prosecuted.

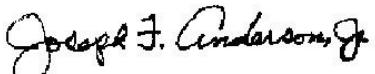
The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation wherein he suggests that the court should dismiss this action for a variety of reasons, including failure to state a claim, immunity, and abstention grounds. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The plaintiffs were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on June 2, 2010. The plaintiffs have not filed any objections to the Report and the time limit to do so has expired.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

July 8, 2010
Columbia, South Carolina